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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,987	02/12/2002	Marco Satta	026290-021	3522

7590

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EXAMINER

PEAVEY, ENOCH E

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,987

Applicant(s)

SATTA, MARCO

Examiner

Enoch E Peavey

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

I. Newly submitted claims 21-23 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: they are directed towards a method of connecting elements of a composite seal.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21– 23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

II. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

A) Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mondon et al., DE 3527991("Mondon"). Mondon discloses a composite seal comprising a substantially rigid support (2). There is a flexible sealing element (7) carried integrally

Art Unit: 3676

by the support (2). The flexible sealing element (7) may be made of a non-elastomer, synthetic plastic resin (see cross-hatching).

- i. The annular sealing lip (engaging shaft 6) of the flexible sealing element (7) is substantially in the form a cylindrical sleeve defined by a first lateral surface (axial portion of 7 engaging shaft 6) and a second lateral surface opposite the first (FIG. 2).
- ii. There is an annular pressure element (3) made of an elastomer (i.e. rubber) and carried integrally (i.e. they form one sealing assembly) by the annular sealing lip (engaging shaft 6) on the second lateral surface (FIG. 14).
- iii. There is a radial toroidal pressure spring (4) carried by the elastomer annular pressure element (3) and inserted in an annular seat formed in the elastomeric annular pressure (3) element on the opposite side to the annular sealing lip (engaging shaft 6). The elastomeric pressure element (3) is connecting mechanically (i.e. by spring 4) to the annular sealing lip of the flexible sealing element (Fig. 2).
- iv. The annular pressure element (3) is adhered (via spring 4) to the second lateral surface of the annular sealing lip (contacting shaft 6) of the flexible sealing element (7). The support (2) is at least partially embedded in a static elastomeric sealing element (3) glued to the support (2).
- v. The elastomeric sealing pressure element (3) is formed in one piece with the static elastomeric sealing element (7) and gripped against a stop surface of the support (FIG. 2). The flexible sealing element (portion of 7 contacting shaft) is connected mechanically to the support and gripped between two adjacent rigid portions (see Fig. 2) of the support (161).

Art Unit: 3676

vi. The support (2) is substantially L-shaped and comprises a flange portion (Fig. 2) substantially coaxial with the sleeve-shaped annular sealing lip (FIG. 2), the annular sealing lip (contacting shaft 6) extending axially on the opposite side to the flange portion (contacting attached end of 7) of the support (2) to a length greater than the axial extension of the sleeve shaped portion of the support. The pressure element (3) does not contact the shaft (6)

vii. Please note that the pressure element being mechanically attached to the sealing lip by chemical bonding and being glued after the curing stage is given very little patentable weight because they are process limitations in a product claim.

Response to Arguments

III. Applicant's arguments that the Wada reference does not disclose a seal where the pressure element does not contact the sealing surface of the second member. Examiner agrees. However the Mondon reference does show such in arrangement and therefore forms the basis of the new rejection.

IV. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3676

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enoch E Peavey whose telephone number is 305 1977. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308- 3179. The fax phone numbers for the organization where this application or proceeding is assigned are 305 3597 for regular communications and 305 3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

Enoch E Peavey
Art Unit 3676


November 2, 2003


Anthony Knight
Supervisory Patent Examiner
Group 3600